

SENATE BILL 373

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C5  
SB 541/02 - FIN

2003 Regular Session  
3lr0429

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By: **Senators Frosh, Conway, Dyson, Exum, Forehand, Gladden, Green,  
Hollinger, Hughes, Kelley, Lawlah, Pinsky, Ruben, Stone, and  
Teitelbaum**

Introduced and read first time: January 31, 2003

Assigned to: Finance

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A BILL ENTITLED

1 AN ACT concerning

2 **Energy-Saving Investment Program**

3 FOR the purpose of creating an Energy-Saving Investment Fund to provide funding  
4 for certain purposes; requiring certain electric customers and certain gas  
5 customers to contribute to the Fund through a certain energy-saving  
6 investment charge, to be set by the Public Service Commission in a certain  
7 manner; providing for State matching funding for the Fund; requiring the  
8 Maryland Energy Administration to develop, manage, supervise, and administer  
9 certain energy efficiency programs; providing for the preparation and  
10 submission of a plan for the disbursement of funds to implement certain energy  
11 efficiency programs throughout the State; establishing an Energy-Saving  
12 Investment Advisory Board with certain membership and duties; providing for  
13 the disposition of certain funds after a certain date; defining certain terms;  
14 providing for the termination of this Act; and generally relating to the  
15 Energy-Saving Investment Program.

16 BY adding to  
17 Article - Public Utility Companies  
18 Section 7-701 through 7-708 to be under the new subtitle "Subtitle 7.  
19 Energy-Saving Investment Program"  
20 Annotated Code of Maryland  
21 (1998 Volume and 2002 Supplement)

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
23 MARYLAND, That the Laws of Maryland read as follows:

1 **Article - Public Utility Companies**

## 2 SUBTITLE 7. ENERGY-SAVING INVESTMENT PROGRAM.

3 7-701.

4 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS  
5 INDICATED.

6 (B) "ADMINISTRATION" MEANS THE MARYLAND ENERGY ADMINISTRATION.

7 (C) "BOARD" MEANS THE ENERGY-SAVING INVESTMENT ADVISORY BOARD  
8 ESTABLISHED UNDER § 7-705 OF THIS SUBTITLE.9 (D) "CHARGE" MEANS THE ENERGY-SAVING INVESTMENT CHARGE ASSESSED  
10 UNDER THIS SUBTITLE.11 (E) (1) "COST-EFFECTIVE" MEANS THAT THE BENEFITS OF A PROGRAM  
12 EXCEED THE COSTS ATTRIBUTABLE TO THE PROGRAM FOR THE PROGRAM'S FULL  
13 DURATION AND THE LIFE OF MEASURES IMPLEMENTED UNDER THE PROGRAM.14 (2) FOR PURPOSES OF DETERMINING WHETHER A PROGRAM IS  
15 COST-EFFECTIVE:16 (I) BENEFITS OF THE PROGRAM INCLUDE THE MONETARY VALUE  
17 OF ALL RESOURCES SAVED AS A RESULT OF THE PROGRAM, INCLUDING  
18 ELECTRICITY, NATURAL GAS, AND WATER; AND19 (II) AN APPROPRIATE MONETARY VALUE SHALL BE ASSIGNED TO  
20 EACH EXTERNALITY ASSOCIATED WITH THE PROGRAM, INCLUDING PUBLIC HEALTH  
21 AND ENVIRONMENTAL QUALITY.

22 (F) "ENERGY" MEANS ELECTRICITY AND NATURAL GAS.

23 (G) "ENERGY PERFORMANCE CONTRACT" MEANS A CONTRACT STATING THE  
24 TERMS AND CONDITIONS, INCLUDING MEASUREMENT AND VERIFICATION OF  
25 ENERGY SAVINGS, FOR A COMPREHENSIVE ENERGY EFFICIENCY PROJECT THAT IS  
26 ELIGIBLE TO COMPETE FOR FUNDS FROM THE FUND.27 (H) "FUND" MEANS THE ENERGY-SAVING INVESTMENT FUND ESTABLISHED  
28 UNDER § 7-702 OF THIS SUBTITLE.29 (I) "LOW-INCOME CUSTOMER" MEANS A CUSTOMER WITH A HOUSEHOLD  
30 INCOME NOT EXCEEDING 150% OF THE FEDERAL POVERTY LEVEL, IN THE  
31 GUIDELINES FOR THE 48 CONTIGUOUS STATES PUBLISHED BY THE FEDERAL  
32 DEPARTMENT OF HEALTH AND HUMAN SERVICES.33 (J) "MEASUREMENT AND VERIFICATION OF ENERGY SAVINGS" MEANS THE  
34 ACTUAL AND CONTINUOUS MONITORING AND MEASUREMENT OF ENERGY USAGE BY  
35 ENERGY EFFICIENT EQUIPMENT IN A FACILITY, UNDER A NATIONALLY RECOGNIZED

1 PROTOCOL FOR MEASUREMENT AND VERIFICATION, USED IN CONJUNCTION WITH  
2 PROCEDURES FOR REPORTING ENERGY SAVINGS PRODUCED BY THE ENERGY  
3 EFFICIENT EQUIPMENT.

4 (K) "PLAN" MEANS THE ENERGY-SAVING INVESTMENT PLAN UNDER § 7-704  
5 OF THIS SUBTITLE.

6 7-702.

7 (A) THERE IS AN ENERGY-SAVING INVESTMENT FUND.

8 (B) THE PURPOSE OF THE FUND IS TO INCREASE THE OPPORTUNITIES FOR  
9 ENERGY CONSUMERS THROUGHOUT MARYLAND TO:

10 (1) SAVE ENERGY;

11 (2) REDUCE CONSUMERS' TOTAL ENERGY COSTS; AND

12 (3) REDUCE POLLUTION AND THREATS TO PUBLIC HEALTH ASSOCIATED  
13 WITH ENERGY PRODUCTION AND CONSUMPTION.

14 (C) (1) EACH RESIDENTIAL RETAIL ELECTRIC CUSTOMER AND EACH  
15 RESIDENTIAL RETAIL GAS CUSTOMER SHALL CONTRIBUTE TO THE FUND THROUGH  
16 AN ENERGY-SAVING INVESTMENT CHARGE THAT EACH ELECTRIC COMPANY OR ITS  
17 BILLING AGENT AND EACH GAS COMPANY OR ITS BILLING AGENT SHALL COLLECT  
18 AND REMIT TO THE COMPTROLLER TO BE PLACED IN THE FUND.

19 (2) A RESIDENTIAL RETAIL ELECTRIC CUSTOMER OR A RESIDENTIAL  
20 RETAIL GAS CUSTOMER SHALL BE EXEMPT FROM THE CHARGE IN PARAGRAPH (1) OF  
21 THIS SUBSECTION FOR ALL UTILITY BILLING PERIODS DURING ANY PART OF WHICH  
22 THE RESIDENTIAL CUSTOMER IS RECEIVING BENEFITS FROM:

23 (I) THE MARYLAND ENERGY ASSISTANCE PROGRAM UNDER  
24 ARTICLE 41, § 6-406(2) AND ARTICLE 88A, § 15 OF THE CODE;

25 (II) THE ELECTRIC UNIVERSAL SERVICE PROGRAM UNDER § 7-512.1  
26 OF THIS TITLE; OR

27 (III) ANY OTHER GAS OR ELECTRIC BILL ASSISTANCE PROGRAM  
28 ADMINISTERED BY THE DEPARTMENT OF HUMAN RESOURCES.

29 (D) THE FUND CONSISTS OF:

30 (1) THE CHARGE COLLECTED UNDER THIS SUBTITLE;

31 (2) FUNDS TO MATCH THE COLLECTED CHARGES, AS APPROPRIATED IN  
32 THE STATE BUDGET AND SUBJECT TO THE AVAILABILITY OF FUNDS; AND

33 (3) ANY ADDITIONAL FUNDS APPROPRIATED TO THE FUND.

1 (E) (1) THE TREASURER SHALL HOLD THE FUND AND SHALL INVEST THE  
2 MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE  
3 INVESTED AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND IN  
4 CONJUNCTION WITH THE ADMINISTRATION.

5 (2) THE COLLECTIONS FROM THE CHARGE SHALL ACCRUE TO THE  
6 FUND.

7 (F) THE FUND IS A SPECIAL, CONTINUING, NONLAPSING FUND THAT IS NOT  
8 SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

9 (G) NOT MORE THAN 10% OF THE FUNDS PLACED IN THE FUND MAY BE  
10 EXPENDED BY THE ADMINISTRATION ON MANAGEMENT AND SUPERVISION OF  
11 ACTIVITIES UNDER THIS SUBTITLE.

12 (H) THE ADMINISTRATION SHALL DISBURSE FUNDS FROM THE FUND IN  
13 ACCORDANCE WITH THIS SUBTITLE.

14 7-703.

15 (A) THE COMMISSION SHALL SET THE LEVEL OF THE ENERGY-SAVING  
16 INVESTMENT CHARGE IN ACCORDANCE WITH THIS SECTION.

17 (B) (1) DURING THE PERIOD JULY 1, 2003, THROUGH JUNE 30, 2004, THE  
18 CHARGE SHALL BE SET TO RECOVER 0.025 CENT ON EACH KILOWATT-HOUR OF  
19 ELECTRICITY DELIVERED TO A RETAIL RESIDENTIAL ELECTRIC CUSTOMER IN THE  
20 STATE.

21 (2) (I) ON OR AFTER JULY 1, 2004, THE CHARGE MAY BE RESET IF THE  
22 COMMISSION DETERMINES THAT THE APPROVED PROGRAMS UNDER § 7-704(F) OF  
23 THIS SUBTITLE REQUIRE A CHARGE THAT EXCEEDS 0.025 CENT PER KILOWATT HOUR.

24 (II) IF THE COMMISSION DETERMINES THAT THE APPROVED  
25 PROGRAMS UNDER § 7-704(F) OF THIS SUBTITLE REQUIRE A CHARGE THAT EXCEEDS  
26 0.025 CENT PER KILOWATT HOUR, THE CHARGE SHALL BE SET AT 0.05 CENT PER  
27 KILOWATT HOUR STARTING ON THE FOLLOWING JULY 1.

28 (3) (I) ON OR AFTER JUNE 30 OF THE YEAR AFTER THE CHARGE WAS  
29 SET AT 0.05 CENT PER KILOWATT HOUR, THE CHARGE MAY BE RESET IF THE  
30 COMMISSION DETERMINES THAT THE APPROVED PROGRAMS UNDER § 7-704(F) OF  
31 THIS SUBTITLE REQUIRE A CHARGE THAT EXCEEDS 0.05 CENT PER KILOWATT HOUR.

32 (II) IF THE COMMISSION DETERMINES THAT THE APPROVED  
33 PROGRAMS UNDER § 7-704(F) OF THIS SUBTITLE REQUIRE A CHARGE THAT EXCEEDS  
34 0.05 CENT PER KILOWATT HOUR, THE CHARGE SHALL BE SET AT 0.1 CENT PER  
35 KILOWATT HOUR ON THE FOLLOWING JULY 1.

36 (4) THE CHARGE EXPIRES ON JUNE 30, 2012.

1 (5) THIS SUBSECTION DOES NOT APPLY TO A RETAIL RESIDENTIAL  
2 ELECTRIC CUSTOMER WHO IS EXEMPTED UNDER § 7-702(C)(2) OF THIS SUBTITLE OR  
3 SUBSECTION (C) OF THIS SECTION.

4 (C) A MUNICIPAL CORPORATION OR COOPERATIVE THAT PROVIDES RETAIL  
5 ELECTRIC OR GAS SERVICE TO CUSTOMERS MAY DECLINE TO COLLECT THE CHARGE  
6 FROM ITS CUSTOMERS AND TO REMIT THE PROCEEDS TO THE COMPTROLLER IF IT  
7 GIVES PRIOR WRITTEN NOTICE TO THE COMPTROLLER SPECIFYING THE DATE ON  
8 WHICH IT WILL DECLINE TO COLLECT AND REMIT THE CHARGE.

9 (D) THE COMMISSION MAY SUSPEND THE COLLECTION OF THE CHARGE FOR  
10 UP TO 6 MONTHS IF THE COMMISSION FINDS THAT THE BALANCE IN THE FUND HAS  
11 EXCEEDED \$35,000,000 FOR TWO CONSECUTIVE FISCAL QUARTERS.

12 7-704.

13 (A) (1) THE ADMINISTRATION SHALL PREPARE AND MAINTAIN AN  
14 ENERGY-SAVING INVESTMENT PLAN.

15 (2) ALL DISBURSEMENTS FROM THE FUND SHALL BE IN ACCORDANCE  
16 WITH THE PLAN.

17 (3) THE ADMINISTRATION SHALL SUBMIT THE INITIAL PLAN TO THE  
18 COMMISSION ON OR BEFORE JANUARY 2, 2004.

19 (4) THE ADMINISTRATION SHALL PERIODICALLY UPDATE THE PLAN.  
20 THE ADMINISTRATION SHALL SUBMIT ITS FIRST UPDATED PLAN TO THE  
21 COMMISSION ON OR BEFORE JANUARY 2, 2007.

22 (B) THE PLAN SHALL DESCRIBE, EVALUATE, AND RECOMMEND PROGRAMS  
23 THAT ARE DESIGNED TO ACCOMPLISH ONE OR MORE OF THE FOLLOWING  
24 OBJECTIVES:

25 (1) TO TRANSFORM MARKETS, SO THAT ENERGY-EFFICIENT PRODUCTS  
26 AND SERVICES THAT ARE NOT BROADLY AVAILABLE AND USED BY MARYLAND  
27 CONSUMERS BECOME STANDARD PRODUCT OFFERINGS;

28 (2) TO CAPTURE OPPORTUNITIES OTHERWISE LOST FOR  
29 COST-EFFECTIVE ENERGY-EFFICIENT DESIGNS, MATERIALS, AND EQUIPMENT  
30 WHEN HOMES AND BUILDINGS ARE BUILT, REMODELED, OR RENOVATED AND WHEN  
31 EQUIPMENT IS REPLACED;

32 (3) TO REDUCE PEAK DEMAND FOR ELECTRICITY AND IMPROVE  
33 SERVICE RELIABILITY FOR ALL CUSTOMERS THROUGH ENERGY EFFICIENCY  
34 MEASURES THAT ARE ESPECIALLY EFFECTIVE AT REDUCING PEAK SYSTEM  
35 DEMANDS; AND

36 (4) TO ENSURE THAT LOW-INCOME CUSTOMERS CAN FULLY  
37 PARTICIPATE IN OPPORTUNITIES TO SAVE ENERGY AND REDUCE THEIR ENERGY  
38 COSTS.

1 (C) THE PLAN SHALL CONTAIN:

2 (1) RELEVANT BASELINE INFORMATION AS MAY BE AVAILABLE  
3 REGARDING ENERGY SALES AND CONSUMPTION, PATTERNS OF ENERGY USAGE, AND  
4 PREVAILING PRACTICES IN THE MARYLAND MARKETPLACE FOR GOODS AND  
5 SERVICES THAT INFLUENCE ENERGY CONSUMPTION, TOGETHER WITH PLANS FOR  
6 SUPPLEMENTING AVAILABLE BASELINE INFORMATION WITH NEW DATA;

7 (2) COST-EFFECTIVE ENERGY EFFICIENCY PROGRAMS RECOMMENDED  
8 FOR IMPLEMENTATION, INCLUDING:

9 (I) MARKET TRANSFORMATION PROGRAMS AND  
10 LOST-OPPORTUNITY PROGRAMS IN AREAS SUCH AS RESIDENTIAL APPLIANCES,  
11 LIGHTING, WINDOWS, INSULATION, HEATING, AIR CONDITIONING, AND NEW HOME  
12 CONSTRUCTION;

13 (II) ENERGY PERFORMANCE CONTRACT PROGRAMS WITH OPEN  
14 AND COMPETITIVE ACCESS TO ENERGY EFFICIENCY FUNDS; AND

15 (III) OTHER PROGRAMS NECESSARY TO ADDRESS THE SPECIALIZED  
16 NEEDS OF FARMERS, TENANTS, LOW-INCOME CONSUMERS, OR OTHER RESIDENTIAL  
17 CUSTOMER GROUPS;

18 (3) GOALS, MILESTONES, PERFORMANCE INDICATORS, AND BUDGETS  
19 FOR EACH ENERGY EFFICIENCY PROGRAM RECOMMENDED FOR IMPLEMENTATION;

20 (4) PROCEDURES FOR GATHERING INFORMATION ON THE EFFECTS OF  
21 EACH RECOMMENDED PROGRAM;

22 (5) AN EVALUATION OF EACH RECOMMENDED PROGRAM, INCLUDING  
23 AN ASSESSMENT OF ITS COST-EFFECTIVENESS TO SOCIETY; AND

24 (6) THE VIEWS AND RECOMMENDATIONS, IF ANY, OF THE BOARD.

25 (D) THE PLAN SHALL PROVIDE THAT:

26 (1) ENERGY EFFICIENCY PROGRAMS ARE OFFERED TO RESIDENTIAL  
27 RETAIL ELECTRIC CUSTOMERS AND RESIDENTIAL RETAIL GAS CUSTOMERS IN AREAS  
28 OF THE STATE WHERE THE CHARGE IS COLLECTED;

29 (2) EACH RECOMMENDED PROGRAM WILL YIELD NET SAVINGS OF  
30 ENERGY;

31 (3) FUNDS DERIVED FROM RESIDENTIAL RETAIL ELECTRIC CUSTOMERS  
32 SHALL BE DISBURSED FOR PROGRAMS TO SERVE THOSE CUSTOMERS AND FUNDS  
33 DERIVED FROM RESIDENTIAL RETAIL GAS CUSTOMERS SHALL BE DISBURSED FOR  
34 PROGRAMS TO SERVE THOSE CUSTOMERS;

35 (4) AT LEAST 5% OF EACH OF THE FUNDS DERIVED FROM RESIDENTIAL  
36 RETAIL ELECTRIC CUSTOMERS AND RESIDENTIAL GAS CUSTOMERS, RESPECTIVELY,

1 SHALL BE DIRECTED TOWARD PROGRAMS TO SERVE LOW-INCOME RESIDENTIAL  
2 ELECTRIC CUSTOMERS AND LOW-INCOME RESIDENTIAL GAS CUSTOMERS,  
3 RESPECTIVELY;

4 (5) ANY PROGRAM FOUND TO BE NO LONGER COST-EFFECTIVE SHALL  
5 NOT BE CONTINUED; AND

6 (6) INVESTMENTS IN ENERGY EFFICIENCY PROGRAMS IN THE SERVICE  
7 AREA OF EACH ELECTRIC COMPANY, GAS COMPANY, AND PARTICIPATING MUNICIPAL  
8 CORPORATION OR COOPERATIVE WILL BEAR A REASONABLE RELATIONSHIP TO THE  
9 AMOUNT OF FUNDS DEPOSITED IN THE ENERGY-SAVING INVESTMENT FUND BY THE  
10 COMPANY, MUNICIPAL CORPORATION, OR COOPERATIVE.

11 (E) THE ADMINISTRATION SHALL ANNUALLY DETERMINE THE AMOUNT OF  
12 FUNDS NECESSARY TO IMPLEMENT PROGRAMS APPROVED BY THE COMMISSION AND  
13 SHALL OBTAIN THE FUNDS FROM THE ENERGY SAVINGS INVESTMENT FUND ON  
14 REQUEST TO THE STATE TREASURER.

15 (F) (1) WHEN THE ADMINISTRATION SUBMITS THE PLAN OR UPDATE TO  
16 THE COMMISSION, THE COMMISSION SHALL REVIEW THE PLAN OR UPDATE, AND  
17 SHALL PROVIDE AN OPPORTUNITY FOR INTERESTED PARTIES TO COMMENT ON THE  
18 PLAN OR UPDATE. THE COMMISSION SHALL ISSUE A FINAL ORDER BASED ON ITS  
19 REVIEW WITHIN 90 DAYS AFTER RECEIVING THE PLAN OR UPDATE. IF THE  
20 COMMISSION DOES NOT ISSUE A FINAL ORDER ON THE PLAN, THE PLAN SHALL BE  
21 DEEMED APPROVED AS SUBMITTED ON THE 91ST DAY AFTER THE COMMISSION  
22 RECEIVES THE PLAN.

23 (2) THE COMMISSION SHALL APPROVE THE PLAN UNLESS IT FINDS  
24 THAT THE PLAN:

25 (I) IS INCONSISTENT WITH THE PURPOSES STATED IN § 7-702(B) OF  
26 THIS SUBTITLE;

27 (II) IS INCONSISTENT WITH THE OBJECTIVES STATED IN  
28 SUBSECTION (B) OF THIS SECTION; OR

29 (III) FAILS TO MEET THE PROVISIONS OF SUBSECTION (D) OF THIS  
30 SECTION.

31 (3) AS PART OF ITS FINAL ORDER, THE COMMISSION MAY MODIFY OR  
32 REJECT ANY ENERGY EFFICIENCY PROGRAM RECOMMENDED FOR  
33 IMPLEMENTATION IF IT FINDS THAT THE PROGRAM IS NOT COST-EFFECTIVE.

34 (4) WITHIN 60 DAYS AFTER ANY FINAL ORDER REJECTING OR  
35 MODIFYING THE PLAN OR PLAN UPDATE OR ANY ENERGY EFFICIENCY PROGRAM  
36 RECOMMENDED IN THE PLAN OR PLAN UPDATE, THE ADMINISTRATION MAY FILE  
37 WITH THE COMMISSION A SUPPLEMENT TO THE PLAN SEEKING TO REMEDY ANY  
38 DEFECT IN THE PRIOR SUBMISSION IDENTIFIED IN THE ORDER OF THE COMMISSION.  
39 THE COMMISSION SHALL REVIEW THE SUPPLEMENT TO THE PLAN AND ISSUE A  
40 FINAL ORDER BASED ON ITS REVIEW WITHIN 60 DAYS AFTER RECEIVING THE

1 SUPPLEMENT. IF THE COMMISSION DOES NOT ISSUE A FINAL ORDER ON THE  
2 SUPPLEMENT, THE SUPPLEMENT SHALL BE DEEMED APPROVED AS SUBMITTED ON  
3 THE 61ST DAY AFTER THE COMMISSION RECEIVES THE SUPPLEMENT.

4 (G) THE ADMINISTRATION SHALL:

5 (1) MANAGE, SUPERVISE, AND ADMINISTER THE ENERGY EFFICIENCY  
6 PROGRAMS IMPLEMENTED UNDER THE APPROVED PLAN;

7 (2) ADOPT REGULATIONS NECESSARY TO ENSURE THAT THE  
8 IMPLEMENTED EFFICIENCY PROGRAMS CARRY OUT THE PURPOSES OF THE PLAN;  
9 AND

10 (3) DEVELOP PROCEDURES FOR MONITORING AND ASSESSING ALL  
11 ENERGY EFFICIENCY PROGRAMS IMPLEMENTED UNDER THE APPROVED PLAN.

12 7-705.

13 (A) ON OR BEFORE JULY 1, 2003, THE DIRECTOR OF THE ADMINISTRATION  
14 SHALL CONVENE AN ENERGY-SAVING INVESTMENT ADVISORY BOARD.

15 (B) THE BOARD SHALL CONSIST OF UP TO SEVEN MEMBERS APPOINTED TO  
16 FIXED TERMS BY THE ADMINISTRATION, AND SHALL INCLUDE:

17 (1) A REPRESENTATIVE OF THE OFFICE OF PEOPLE'S COUNSEL,  
18 SELECTED BY THE PEOPLE'S COUNSEL;

19 (2) A REPRESENTATIVE OF THE STAFF OF THE COMMISSION, SELECTED  
20 BY THE CHAIRMAN OF THE COMMISSION;

21 (3) TWO REPRESENTATIVES OF ELECTRIC COMPANIES, INCLUDING AT  
22 LEAST ONE REPRESENTATIVE OF A PARTICIPATING MUNICIPAL CORPORATION OR  
23 COOPERATIVE;

24 (4) ONE REPRESENTATIVE OF A NOT-FOR-PROFIT ORGANIZATION THAT  
25 SERVES LOW-INCOME RESIDENTS; AND

26 (5) TWO REPRESENTATIVES OF NOT-FOR-PROFIT ORGANIZATIONS  
27 CONCERNED WITH ENERGY AND ENVIRONMENTAL POLICY.

28 (C) THE BOARD SHALL PROVIDE THE ADMINISTRATION WITH REVIEW AND  
29 COMMENT ON:

30 (1) DRAFT AND FINAL VERSIONS OF THE PLAN, PLAN UPDATES, AND  
31 PLAN SUPPLEMENTS;

32 (2) GOALS, MILESTONES, BUDGETS, AND PERFORMANCE INDICATORS  
33 FOR EACH ENERGY EFFICIENCY PROGRAM IN THE PLAN, ON A SEMIANNUAL BASIS;

34 (3) RECOMMENDATIONS FOR PROSPECTIVE ENERGY EFFICIENCY  
35 PROGRAMS; AND

1 (4) OTHER MATTERS CONCERNING ENERGY EFFICIENCY THAT THE  
2 BOARD MAY SEEK TO ADDRESS.

3 (D) NOTHING IN THIS SECTION AUTHORIZES THE BOARD TO APPROVE OR  
4 DISAPPROVE PROGRAMS, EXPENDITURES, THE SELECTION OF CONTRACTORS, THE  
5 LEVEL OF THE CHARGE, OR ANY OTHER RESPONSIBILITY OF THE ADMINISTRATION  
6 OR THE COMMISSION UNDER THIS SUBTITLE.

7 7-706.

8 THE ADMINISTRATION MAY CONTRACT WITH ONE OR MORE  
9 NONGOVERNMENTAL ENTITIES FOR ASSISTANCE IN CARRYING OUT ITS  
10 RESPONSIBILITIES UNDER THIS SUBTITLE.

11 7-707.

12 (A) ON OR BEFORE JANUARY 2, 2005, AND JANUARY 2 OF EACH SUCCEEDING  
13 YEAR THROUGH 2013, THE ADMINISTRATION SHALL, IN COOPERATION WITH THE  
14 COMPTROLLER, SUBMIT AN ANNUAL REPORT ON THE FUND TO THE GENERAL  
15 ASSEMBLY, SUBJECT TO § 2-1246 OF THE STATE GOVERNMENT ARTICLE.

16 (B) THE REPORT SHALL INCLUDE:

17 (1) AN ACCOUNTING OF ALL FUNDS DEPOSITED TO AND DISBURSED  
18 FROM THE FUND;

19 (2) A DESCRIPTION OF ENERGY EFFICIENCY PROGRAMS PROPOSED,  
20 UNDERWAY, OR COMPLETED; AND

21 (3) A SUMMARY OF PROGRAM RESULTS, EXPRESSED IN TERMS OF  
22 ENERGY SAVINGS, COST SAVINGS TO CONSUMERS, POLLUTION PREVENTION, AND  
23 MARKET EFFECTS.

24 7-708.

25 ANY UNCOMMITTED FUNDS REMAINING IN THE FUND AT THE END OF JUNE 30,  
26 2013 SHALL BE RETURNED TO RESIDENTIAL ELECTRIC AND GAS CONSUMERS IN A  
27 MANNER PRESCRIBED BY THE COMMISSION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 July 1, 2003. It shall remain effective for a period of 10 years and 6 months and, at the  
30 end of December 31, 2013, with no further action required by the General Assembly,  
31 this Act shall be abrogated and of no further force and effect.